



Rep. Josh Harms

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09800SB2101ham001

LRB098 06420 CEL 45029 a

1 AMENDMENT TO SENATE BILL 2101

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2101, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Mobile Home Park Act is amended by changing  
6 Sections 9 and 19 and by adding Section 9.16 as follows:

7 (210 ILCS 115/9) (from Ch. 111 1/2, par. 719)

8 Sec. 9. Each mobile home park licensed or to be constructed  
9 under the provisions of this Act shall be operated and  
10 maintained in accordance with the requirements of Sections 9.1  
11 to 9.16 ~~9.15~~, inclusive, of this Act.

12 (Source: P.A. 91-357, eff. 7-29-99.)

13 (210 ILCS 115/9.16 new)

14 Sec. 9.16. Disclosure of the manufacture of  
15 methamphetamine in a mobile home. When a licensee or owner of a

1 mobile home park has been notified by law enforcement  
2 authorities that one of the mobile homes in the mobile home  
3 park has been used for the manufacture of methamphetamine as  
4 defined in Section 10 of the Methamphetamine Control and  
5 Community Protection Act, then the licensee or owner of the  
6 mobile home park shall inform a potential buyer of the mobile  
7 home that law enforcement authorities have notified the  
8 licensee or owner that the mobile home has been used for the  
9 manufacture of methamphetamine.

10 (210 ILCS 115/19) (from Ch. 111 1/2, par. 729)

11 Sec. 19. Violations; penalties.

12 (a) Any person who ~~whoever~~ violates any provision of this  
13 Act, shall, except as otherwise provided, be guilty of a Class  
14 B misdemeanor. Each day's violation shall constitute a separate  
15 offense. The State's Attorney of the county in which the  
16 violation occurred, or the Attorney General shall bring such  
17 actions in the name of the people of the State of Illinois, or  
18 may, in addition to other remedies provided in this Act, bring  
19 action for an injunction to restrain such violation, or to  
20 enjoin the operation of any such mobile home park.

21 (b) In addition to or in place of the criminal sanctions  
22 set forth in subsection (a), the ~~The~~ Department may also impose  
23 an administrative monetary penalty against any ~~a~~ person who  
24 violates ~~operates a mobile home park in violation of~~ this Act  
25 or the rules adopted under the authority of this Act. The

1 Department shall establish the amount of the penalties by rule.  
2 ~~The Department must provide the person with written~~  
3 ~~notification of the alleged violation and allow a minimum of 30~~  
4 ~~days for correction of the alleged violation before imposing an~~  
5 ~~administrative monetary penalty, unless the alleged violation~~  
6 ~~involves life safety in which case the Department shall allow a~~  
7 ~~minimum of 10 days for correction of the alleged life safety~~  
8 ~~violation before imposing an administrative monetary penalty.~~  
9 ~~The Department shall adopt rules defining violations that~~  
10 ~~involve life safety.~~

11 (c) When ~~In addition, before~~ imposing an administrative  
12 monetary penalty under this subsection, the Department shall  
13 ~~must~~ provide ~~the following to~~ the person alleged to have  
14 violated this Act or rules concerning this Act notice and  
15 opportunity for a hearing to contest the alleged violations.  
16 Notice shall be provided by certified mail or by personal  
17 service setting forth the particular reasons for the proposed  
18 action and fixing a date, not less than 20 days after the date  
19 of the mailing or service, within which time the person must  
20 request in writing a hearing. Failure to serve the Department a  
21 request for a hearing in writing within the time provided in  
22 the notice shall constitute a waiver of the person's right to  
23 an administrative hearing. ~~operating the mobile home park:~~

24 ~~(1) Written notice of the person's right to request an~~  
25 ~~administrative hearing on the question of the alleged~~  
26 ~~violation.~~

1           ~~(2) An opportunity to present evidence, orally or in~~  
2           ~~writing or both, on the question of the alleged violation~~  
3           ~~before an impartial hearing examiner appointed by the~~  
4           ~~Director of Public Health.~~

5           ~~(3) A written decision from the Director of Public~~  
6           ~~Health, based on the evidence introduced at the hearing and~~  
7           ~~the hearing examiner's recommendations, finding that the~~  
8           ~~person violated this Act.~~

9           (d) The Attorney General may bring an action in the circuit  
10          court to enforce the collection of an administrative monetary  
11          penalty imposed under this subsection.

12          (e) The Department shall deposit all administrative  
13          monetary penalties collected under this subsection into the  
14          Facility Licensing Fund. Subject to appropriation, moneys in  
15          the Fund shall be used for the enforcement of this Act.

16          (Source: P.A. 95-383, eff. 1-1-08.)".